



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of Waldean
A. SCHULZ et al.

Reissue Application of Patent No.
5,907,395

Serial No.: 09/640,794

Filed: August 18, 2000

For: "OPTICAL FIBER PROBE FOR
POSITION MEASUREMENT"

Group Art Unit: 3663

Examiner: M. Hellner

Docket No.: 29997/010A

Customer No.: 29471

Certificate of Mailing

I hereby certify that this paper is being deposited
with the United States Postal Service with sufficient
postage as first class mail in an envelope addressed
to: Mail Stop Reissue, Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450 on:

Oct 18, 2004

J. William Frank, III
Registration No. 25,626
Attorney for Applicant(s)

REISSUE DECLARATION AND POWER OF ATTORNEY

Mail Stop Reissue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RECEIVED
OCT 26 2004
GROUP 3600

We, the undersigned inventors of the above-identified patent, hereby declare that:

Our residences, post offices and citizenships are as stated below next to our respective
names,

We, the named inventors, believe we are the original, first and joint inventors of the
subject matter claimed and for which a reissue patent is sought on the invention as entitled
above the specification, drawing and claims of which were filed August 18, 2000.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims.

We acknowledge the duty to disclose information which is known to us to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

We hereby assert that this application to reissue the above-identified patent has been filed in order to correct a defect in that patent in that it is partially inoperative in that it claims less than the inventors had the right to claim. Reference is made to new independent Claims 50-52, 56, and 60 added to this patent by this reissue application as evidence of the newly claimed material that could have been claimed by us in the original patent, and now is being claimed by us. Specifically, Claim 50 does not include the limitations "in a substantially conical pattern" and "thereby causing said centroid of said electromagnetic radiation to be in a substantially invariant relationship to the emitter of said radiation regardless of the angle from which the centroid of emitted radiation is viewed" of Claim 1. Further, Claim 51 does not include the "in a substantially conical pattern" limitation of Claim 42; Claim 52 does not include the "wherein said radiation emission has a centroid such that it at least closely approximates a point source of said radiation thereby causing said centroid of said electromagnetic radiation to be in a substantially invariant relationship to the emitter of said radiation regardless of the angle from which the centroid of emitted radiation is viewed;" and "a power supply for said electromagnetic radiation generator" limitations of Claim 20; Claim 56 does not include the "wherein said radiation emission has a centroid such that it at least closely approximates a point source of said radiation thereby causing said centroid of said electromagnetic radiation to be in a substantially invariant relationship to the emitter of said radiation regardless of the angle from which the centroid of emitted radiation is viewed" limitations of Claim 20; and Claim 60 recites only three method steps compared to the method of Claim 42.

We further assert that this application to reissue has been filed in order to correct an error in the manner in which the angle of the radiation beam is characterized; degrees not being the conventional, preferred manner of referring to a solid angle. Reference is made to the amended claims in this regard where the language "180°" is replaced by "a hemisphere".

Every error in the patent, which was corrected in the present reissue application, including errors not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant. They were discovered as a consequence of this patent being routinely reviewed by one of the inventors.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent reissued thereon.

POWER OF ATTORNEY: I hereby appoint as my attorney or agent, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:



J. William Frank, III (Reg. No. 25,626)
 William E. McCracken (Reg. No. 30,195)
 Anthony G. Volini (Reg. No. 48,016)
 Thomas P. Riley (Reg. No. 50,556)
 Erin J. Fox (52,261)
 Kelly J. Smith (53,611)

RECEIVED
 OCT 26 2004
GROUP 3600

Customer No. 29471

Send correspondence to: J. William Frank, III

FIRM NAME	PHONE NO.	STREET	CITY & STATE	ZIP CODE
McCracken & Frank LLP Attorneys at Law	312-263-4700	200 W. Adams Street Suite 2150	Chicago, Illinois	60606

First or Sole Inventor Waldean A. Schulz	Citizenship United States of America
Residence Address - Street 440 Japonica Way	Post Office Address - Street 440 Japonica Way
City (Zip) Boulder 80304	City (Zip) Boulder 80304
State or Country Colorado	State or Country Colorado
Date <input checked="" type="checkbox"/> 2004 Aug. 18	Signature <input checked="" type="checkbox"/> <i>Waldean A. Schulz</i>

Second Joint Inventor, if any Ivan Faul	Citizenship Canada
Residence Address - Street 323 Overlook Lane	Post Office Address - Street 323 Overlook Lane
City (Zip) Boulder 80302	City (Zip) Boulder 80302
State or Country Colorado	State or Country Colorado
Date <input checked="" type="checkbox"/>	Signature <input checked="" type="checkbox"/>

Third Joint Inventor, if any Ronald M. Pasquini	Citizenship United States of America
Residence Address - Street P.O. Box 439	Post Office Address - Street P.O. Box 439
City (Zip) Niwot 80544	City (Zip) Niwot 80544
State or Country Colorado	State or Country Colorado
Date <input checked="" type="checkbox"/>	Signature <input checked="" type="checkbox"/>

CONFIDENTIAL

POWER OF ATTORNEY: I hereby appoint as my attorney or agent, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:



J. William Frank, III (Reg. No. 25,626)
 William E. McCracken (Reg. No. 30,195)
 Anthony G. Volini (Reg. No. 48,016)
 Thomas P. Riley (Reg. No. 50,556)
 Erin J. Fox (52,261)
 Kelly J. Smith (53,611)

FAX 312 263 3990

Customer No. 29471

Send correspondence to: J. William Frank, III

FIRM NAME	PHONE NO.	STREET	CITY & STATE	ZIP CODE
McCracken & Frank LLP Attorneys at Law	312-263-4700	200 W. Adams Street Suite 2150	Chicago, Illinois	60606

First or Sole Inventor Waldean A. Schulz	Citizenship United States of America
Residence Address - Street 440 Japonica Way	Post Office Address - Street 440 Japonica Way
City (Zip) Boulder 80304	City (Zip) Boulder 80304
State or Country Colorado	State or Country Colorado
Date <input checked="" type="checkbox"/>	Signature <input checked="" type="checkbox"/>

Second Joint Inventor, if any Ivan Faul	Citizenship Canada
Residence Address - Street 323 Overlook Lane	Post Office Address - Street 323 Overlook Lane
City (Zip) Boulder 80302	City (Zip) Boulder 80302
State or Country Colorado	State or Country Colorado
Date <input checked="" type="checkbox"/> AUG 31, 2004	Signature <input checked="" type="checkbox"/> <i>I. Faul</i>

Third Joint Inventor, if any Ronald M. Pasquini	Citizenship United States of America
Residence Address - Street P.O. Box 439	Post Office Address - Street P.O. Box 439
City (Zip) Niwot 80544	City (Zip) Niwot 80544
State or Country Colorado	State or Country Colorado
Date <input checked="" type="checkbox"/>	Signature <input checked="" type="checkbox"/>

RECEIVED

OCT 26 2004

GROUP 3600



POWER OF ATTORNEY: I hereby appoint as my attorney or agent, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

J. William Frank, III (Reg. No. 25,626)
William E. McCracken (Reg. No. 30,195)
Anthony G. Volini (Reg. No. 48,016)
Thomas P. Riley (Reg. No. 50,556)
Erin J. Fox (52,261)
Kelly J. Smith (53,611)

Received

SEP 07 2004

McCracken And Frank

Customer No. 29471

Send correspondence to: J. William Frank, III

FIRM NAME	PHONE NO.	STREET	CITY & STATE	ZIP CODE
McCracken & Frank LLP Attorneys at Law	312-263-4700	200 W. Adams Street Suite 2150	Chicago, Illinois	60606

First or Sole Inventor Waldean A. Schulz	Citizenship United States of America
Residence Address - Street 440 Japonica Way	Post Office Address - Street 440 Japonica Way
City (Zip) Boulder 80304	City (Zip) Boulder 80304
State or Country Colorado	State or Country Colorado
Date <input checked="" type="checkbox"/>	Signature <input checked="" type="checkbox"/>

Second Joint Inventor, if any Ivan Faul	Citizenship Canada
Residence Address - Street 323 Overlook Lane	Post Office Address - Street 323 Overlook Lane
City (Zip) Boulder 80302	City (Zip) Boulder 80302
State or Country Colorado	State or Country Colorado
Date <input checked="" type="checkbox"/>	Signature <input checked="" type="checkbox"/>


RECEIVED
OCT 26 2004
GROUP 3600

Third Joint Inventor, if any Ronald M. Pasquini	Citizenship United States of America
Residence Address - Street P.O. Box 439	Post Office Address - Street P.O. Box 439
City (Zip) Niwot 80544	City (Zip) Niwot 80544
State or Country Colorado	State or Country Colorado
Date <input checked="" type="checkbox"/> 9/1/04	Signature <input checked="" type="checkbox"/> Ronald M. Pasquini

Reissue Application of Patent No.

Docket No. 29997/010A

5,907,395

Fourth Joint Inventor, if any Daniel J. Harrison	Citizenship United States of America
Residence Address - Street 136 Cougar Run	Post Office Address - Street 136 Cougar Run
City (Zip) Nederland 80466	City (Zip) Nederland 80466
State or Country Colorado	State or Country Colorado
Date <input checked="" type="checkbox"/> 8/18/04	Signature <input checked="" type="checkbox"/> 



PATENT
Atty. Docket 29997/010A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:
Patent No. 5,907,395

Filed: August 18, 2000

Serial No. 09/640,794

Title: OPTICAL FIBER PROBE FOR
POSITION MEASUREMENT

Group Art Unit: 3662

Examiner: M. Hellner

Certificate of Mailing

I hereby certify that this paper is being deposited with
the United States Postal Service with sufficient
postage as first class mail in an envelope addressed to
Mail Stop Reissue, Commissioner for Patents, P.O.
Box 1450, Alexandria, VA 22313-1450 on this date:

Oct 18, 2004

J. William Frank, III
Registration No. 25,626
Attorney for Applicant(s)

RECEIVED

OCT 26 2004

GROUP 3600

ASSIGNEE'S ASSENT TO REISSUE

Mail Stop Reissue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Received

SEP 17 2004

McCracken And Frank

Sir:

In accordance with the provisions of 37 CFR 1.172, the undersigned Assignee of U.S. Patent 5,907,395 (IMAGE GUIDED TECHNOLOGIES, INC.) issued to Waldean A. SCHULZ et al., of which it is the owner by Assignment of the entire interest, hereby assents to filing of the accompanying reissue application therefor, and further assents to filing of the reissue oath by the inventors thereof.

By:

Stephen Si Johnson
Title: President

Date 9/6, 2004